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January 22, 2014

Via Electronic Filing

Honorable Judge Leonard D. Wexler
United States District Court
Eastern District of New York
944 Federal Plaza
Central Islip, New York 11722

Re: *Spector Group II, LLP v. Transportation Insurance Co., et. al.*
Index No.: CV 12-3081

Dear Judge Wexler:

I write on behalf of Intervening Defendant Continental Casualty Company (“CCC”) and Defendant Transportation Insurance Company (“TIC”), regarding the current dispositive motion deadline of January 22, 2014. CCC and TIC intend to file motions for summary judgment against Spector Group II, LLP (“Spector”) and SG Design Build, LLC (“SG Design”), arguing that the CCC and TIC policies’: 1.) “occurrence” requirement; 2.) impaired property exclusion; 3.) business risk exclusions; 4.) “your work” exclusion; and 5.) professional services exclusion, preclude CCC and TIC’s duty to defend and/or indemnify Spector and/or SG Design in the underlying lawsuits.¹ TIC and CCC are also evaluating the potential of policy rescission.

Because of the pending motion to compel and the postponement of the depositions of key witnesses, it is TIC and CCC’s position that a pre-motion conference, regarding TIC and CCC’s motions for summary judgment is premature at this juncture. *See* Doc. [44]. Moreover, the parties are set to confer with the Court regarding the scheduling issues on January 29, 2014. *See* Electronic Order of January 21, 2014; *see also* Doc. [42].

If, however, the Court does not grant an adjournment of the trial date and an extension of all deadlines, TIC and CCC would respectfully request that the Court consent to a pre-motion

¹ Please note that this list is not exhaustive, and TIC and CCC continue to reserve all rights and coverage defenses under their respective policies.

conference regarding TIC and CCC's motion for summary judgment pursuant to rule 56(a) of the Federal Rules of Civil Procedure.

Thank you in advance for your consideration.

Sincerely,

COLLIAU CARLUCCIO KEENER MORROW
PETERSON & PARSONS

s/ Greta A Matzen
Greta A. Matzen